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February 5, 2004

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Room TW-B204  
Washington, DC 20554

**Re: Federal-State Joint Board on Universal Service  
CC Docket No. 96-45**

Dear Madam Secretary:

In accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, we hereby provide you with notice of an oral *ex parte* presentation in connection with the above-captioned proceeding.

On Wednesday, February 4, 2004, undersigned counsel, on behalf of Smith Bagley, Inc. ("SBI"), along with B. Alex Montoya, Executive Director, Telecommunications Regulatory Commission of the Navajo Nation, and Brian Gilbert of SBI, met with Anita Cheng and Diane Law Hsu of the Wireline Competition Bureau and Geoffrey Blackwell of the Consumer and Governmental Affairs Bureau, to discuss universal service policies affecting the Eastern Agency of the Navajo Nation in New Mexico and the status of SBI's petition for designation as an eligible telecommunications carrier ("ETC") in the portion of the Navajo Reservation located in Utah.

In particular, the Navajo representatives requested that the Commission take action to remedy the lack of basic telecommunications infrastructure in the Eastern Agency, a severely isolated and impoverished region that has long been considered by the Navajo Nation to be part of their tribal lands. The Navajo representatives stated that, in spite of the desperate need for Tier 4 Lifeline and Link-Up support in the Eastern Agency, such support is not available in that area because it is not included within the Commission's definition of "reservation". The Navajo representatives also expressed support for SBI's request for ETC status in the Navajo Reservation in Utah, which has been pending since May 2002, and they and SBI asked that it be acted upon without further delay.

Marlene H. Dortch

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If you have any questions or require any additional information, please contact undersigned counsel directly.

Sincerely,

/s/ David A. LaFuria

David A. LaFuria  
Steven M. Chernoff

cc: Anita Cheng, Esq.  
Diane Law Hsu, Esq.  
Geoffrey C. Blackwell, Esq.